

combining the optical channels from the second and third transmission paths to generate a WDM output signal for transmission from the add/drop node.

22. (Original) The method according to claim 21, wherein the steps of selectively blocking and selectively passing are dynamically configurable as a function of changing add/drop requirements.

### **REMARKS**

#### **A.) The Section 103 Rejections Based on Sridhar and Park**

##### **(i) Claims 1,2, 9, 12-14, and 19-22**

Claims 1, 2, 9, 12-14 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sridhar, U.S. Patent No. 5,778,118 (“Sridhar”) in view of Park et al., U.S. Patent Publication No. 2002-0067526 (“Park”). Applicants disagree and traverse these rejections for at least the following reasons.

##### **(a) The references do not disclose or suggest dynamic equalization.**

Claims 1, 2, 9 and 12-14 include the feature of, among other things, dynamically equalizing the gain of optical channels in through and add transmission paths on a per-channel basis. Neither Sridhar nor Park discloses or suggests such equalization.

The only mention of equalization appears to be in Sridhar, column 4, lines 31-35, where it is stated that an optical signal may be split in various ratios. This is far from a disclosure of dynamic equalization on a per-channel basis. Further, any equalization occurs only in a through transmission path, not in both through transmission and add transmission paths as in the claims of the present invention.

**(b) There is no motivation to combine Sridhar and Park.**

Each of the claims of the present invention also include the features of: (a) selectively blocking one or more optical channels so that only optical channels not being dropped at an add/drop node are passed on a through transmission path; and (b) selectively blocking optical channels that have been previously added at the add/drop node and passed along in the through transmission path to avoid wavelength collisions. In sum, the claims include selective blocking of optical channels in both through and add transmission paths.

Neither Sridhar nor Park, taken individually, discloses or suggests blocking in both through and add transmission paths. Sridhar, at best, discloses the blocking of optical channels in a through transmission path while Park at best discloses blocking in an add transmission path. Realizing that neither reference discloses both blocking functions the Examiner relies on their combination to reject claims 1,2, 9, 12-14 and 19-22. Applicants respectfully submit that this combination is improper because there is no motivation provided in Sridhar or Park to support such a combination. In fact, the disclosure of Sridhar teaches away from such a combination. More specifically, Sridhar teaches away from the selective blocking of optical channels that have been previously added at an add/drop node and passed along in a through transmission path to avoid wavelength collisions.

For example, in column 7, lines 7-18 Sridhar states: “Although the added optical channels are depicted as corresponding to the wavelengths blocked...this is not a requirement.....” and “the optical signals which are added do not contact the optical filtering elements...” and yet further “..an arbitrary number of optical channels may be added...; the wavelengths ...do not need to correspond to the wavelengths of the channels blocked...”. In sum, rather than suggest a relationship between the channels that are added in an add path and those that are passed along in a through path Sridhar goes out of its way to state that there is no relationship (see also, column 6, lines 38-43).

In sum, because neither Sridhar nor Park, taken separately or in combination, discloses or suggests the dynamic equalization and dual selective blocking of claims 1, 2, 9, 12-14, and 19-22 the Applicants respectfully request withdrawal of the pending rejections and allowance of these claims.

**(c) Further comments regarding claims 2 and 14.**

Claims 2 and 14 include the feature of dynamically and automatically programming the selective blocking of one or more optical channels being dropped and added as a function of changing add/drop requirements. Neither Sridhar nor Park discloses or suggests such blocking of optical channels.

The Examiner states that the “tunable filters” in Park and Sridhar are akin to the programmed, selective blocking in the claims. Applicants respectfully disagree. The fact that a filter is tunable is not a disclosure, or a suggestion, that it is programmable.

In sum, because neither Sridhar nor Park, taken separately or in combination, discloses or suggests the feature of dynamically and automatically programming the selective blocking of one or more optical channels being dropped and added as a function of changing add/drop requirements as in claims 2 and 14 the Applicants respectfully request withdrawal of the pending rejections and allowance of these claims.

**B.) The Section 103 Rejections Based on Sridhar, Park and Thomas**

Claims 4-8, 10, 11 and 16-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sridhar, Park and in further view of Thomas et al., U.S. Patent No. 6,429,974 (“Thomas”). Applicants disagree and traverse these rejections for at least the following reasons.

Applicants respectively submit that these claims depend on independent claim 1 or 13 and therefore are patentable over the combination of Sridhar and Park in further view of Thomas for the reasons stated above with respect to claims 1 and 13 and because Thomas does not make up for the deficiencies of Sridhar or Park.

For at least these reasons, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 4-8, 10, 11 and 16-18.

**C.) Entry of this Supplemental Amendment After Final (AAF) Rejection**

Entry of this AAF is solicited because it: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration (i.e., the claims were revised using features from dependent claims); (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

**CONCLUSION**

For the reasons stated above, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 2, 4-14 and 16-22.

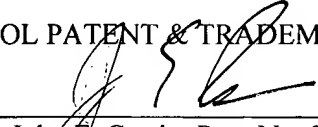
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By \_\_\_\_\_

  
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